

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Todd J. Bruseau,

Plaintiff,

v.

Case No. 2:13-cv-475

**Ms. Whores, also known as
Rosemary W. Kendall,**

Judge Michael H. Watson

Defendant.

ORDER

Plaintiff initiated this pro se diversity action on May 17, 2013, by submitting a largely undecipherable and incomprehensible complaint. On May 22, 2013, the Magistrate Judge issued an order and report and recommendation granting Plaintiff *in forma pauperis* status, but recommending that the action be dismissed for failure to state a claim over which this Court has jurisdiction. ECF No. 3. The Magistrate Judge specifically advised Plaintiff of the consequences of failing to object to the report and recommendation. The Clerk sent Plaintiff a copy of the report and recommendation via regular and certified U.S. mail.

Plaintiff then submitted documents to the Court that were filed under seal on June 18, 2013. ECF No. 6. Among those documents was a notice of the filing of the report and recommendation. PageID # 31, ECF No. 6. The latter demonstrates Plaintiff was aware of the Magistrate Judge's report and

recommendation. Nothing in those documents, however, can fairly be construed as an objection to the Magistrate Judge's report and recommendation.

Because Plaintiff has failed to timely object to the Magistrate Judge's report and recommendation, he has waived his right to *de novo* review by the District Judge as well as his right to appeal. See *Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that "failure to object to the magistrate judge's recommendations constituted a waiver of [the defendant's] ability to appeal the district court's ruling"). The Court **ADOPTS** the Magistrate Judge's report and recommendation in its entirety, and **DISMISSES** this action for failure to state a claim over which this Court has subject matter jurisdiction.

The Clerk shall enter final judgment accordingly. In addition, the Clerk shall send a copy of this order and the judgment to Plaintiff at his last known address by regular and certified U.S. mail.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT